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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

OCT 16 2018

SEAN F. McAVOY, CLERK
SPOKANE, WASHINGTON DEPUTY

13 UNITED STATES DISTRICT COURT
14 FOR THE EASTERN DISTRICT OF WASHINGTON
15

16 UNITED STATES OF AMERICA,

17 Plaintiff,

18 v.

19 KEVIN J. ZOCH,

20 Defendant.
21
22

Case No.: 2:18-PO-00084-JTR

~~[proposed]~~

ORDER APPROVING
UNSUPERVISED PRETRIAL
DIVERSION AGREEMENT AND
CONTINUING THE CASE

23 The Court, having read and considered the parties' Unsupervised Pretrial
24 Diversion Agreement (the "Agreement"), and being fully advised of the facts and
25 circumstances of this case, makes the following findings of fact:

26 1. Defendant has agreed to comply with the terms and conditions of the
27 Agreement.
28

1 2. Defendant has acknowledged that the facts as set forth in the Factual
2 Basis of the Agreement are true and constitute a sufficient factual basis to support
3 judicial findings of guilt on the charged violations, without further factual inquiry.

4 3. Defendant's statements have been made knowingly and voluntarily.

5 4. Defendant has knowingly and intelligently waived the constitutional
6 and statutory rights set forth in the Agreement.
7

8 THEREFORE, GOOD CAUSE HAVING BEEN SHOWN, THE COURT
9 ORDERS THE FOLLOWING:
10

11 1. The Court ACCEPTS and APPROVES the Agreement without
12 making any conclusions regarding the Factual Basis at this time. The Agreement
13 will be entered on the Court's docket as of the date of this Order.

14 2. The Court ACCEPTS and APPROVES Defendant engaging in
15 unsupervised pretrial diversion from the date of entry of this Order for twelve
16 months, or until October 16, 2019, whichever is later, pursuant to the terms of the
17 Agreement.

18 3. Defendant shall comply with all the terms and conditions set forth in
19 the Agreement.

20 4. If, within twelve months of the entry of the Agreement onto the
21 Court's docket or October 16, 2019, whichever is later, the Court finds that
22 Defendant has violated any term of this Agreement, the Court may revoke this
23 Order, enter judgment, and proceed to sentencing on the underlying offenses
24 charged in the Information Superseding Citation without any further factual
25 inquiry into those offenses.

26 5. All hearings in this case are continued to October 16, 2019. If
27 Defendant complies with the terms of the Agreement, the Court will entertain an
28 unopposed motion to dismiss the case with prejudice, after that date, without a

1 hearing. If the United States makes an allegation that Defendant has failed to
2 comply with the terms of the Agreement prior to that date, the Court will conduct a
3 hearing on the alleged violation of the Agreement, at the Court's convenience.

4
5
6 Hon. John T. Rodgers
7 United States Magistrate Judge

10 - 16 - 18
Date